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July 22, 2003

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FROM

6

PAGES (WITH COVER)

2712

REFERENCE NO

L9090/269360

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COMMENTS

The "Return Receipt" of facsimile transmission of the U.S. Patent and Trademark Office will acknowledge receipt of:

Applicant:

Kimbo Mundy et al.

Title:

System for Aggregating Information From Enterprises
Offering Items for Exchange Over a Communication
Network

Serial No./Docket No.:

09/662,737

L9090/269360

Filing Date

September 15, 2000

PAPERS SUBMITTED:

1. PTO/SB/21 Transmittal form; and
2. Response under Rule 116 to the final Office Action of May 23, 2003.

Date: July 22, 2003

By: Geoff L. Sutcliffe, Reg. No. 36,348

Official

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GROUP 3600

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0691-0031.

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/662,737
	Filing Date	09/15/2000
	First Named Inventor	Kimbo Mundy et al.
	Group Art Unit	3624
	Examiner Name	Ella Colbert
Total Number of Pages in This Submission	Attorney Docket Number	L9090/269360

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Response under Rule 116
<div style="display: flex; justify-content: space-between; align-items: center;"> <div>Remarks</div> <div style="text-align: center;"> FAX RECEIVED JUL 23 2003 GROUP 3600 </div> <div style="text-align: right; font-size: 2em;">Official</div> </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Geoff L. Sutcliffe, Reg. No. 36,348 KILPATRICK STOCKTON LLP
Signature	<i>Geoff L. Sutcliffe</i>
Date	7-22-03

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8			
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax no. 703.872.9327 on 7/22/03			
Typed or printed name	Janie Wilkins		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

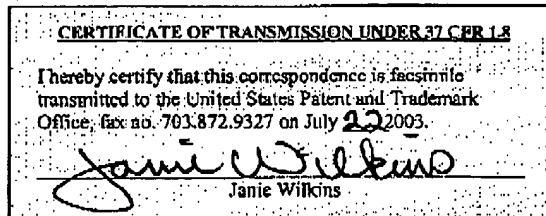
APPLICANTS: Kimbo Mundy et al.

SERIAL NO.: 09/662,737

GROUP ART UNIT: 3624

FILED: September 15, 2000

EXAMINER: Ella Colbert

FOR: SYSTEM FOR AGGREGATING
INFORMATION FROM
ENTERPRISES OFFERING ITEMS
FOR EXCHANGE OVER A
COMMUNICATION NETWORK

ATTORNEY DOCKET NO.: L9090/269360

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RESPONSE UNDER RULE 116

Sir:

In response to the final Office Action of May 23, 2003, reexamination and reconsideration in light of the following remarks are respectfully requested.

Entry of this Response is warranted since no changes to the claims have been made. Thus, the Response does not raise any new issues that require further consideration and/or search by the Examiner. Entry is also warranted since the Response demonstrates that the application is in condition for allowance.

The Examiner is thanked for withdrawing the rejection of claims 1 to 46 under the judicially created doctrine of double patenting and the objection to claim 1. All of the remaining rejections are therefore art-based objections relying at least in part on U.S. Patent No. 6,336,105 to Conklin et al.

The Examiner rejected claims 1 and 2 under 35 U.S.C. § 102(e) as being anticipated

by Conklin and rejected claims 3 to 46 under 35 U.S.C. § 103 as being unpatentable over Conklin in view of U.S. Patent No. 6,424,979 to Livingston et al. The Examiner then rejected claims 11 to 46 under § 103 as being unpatentable over Conklin in view of U.S. Patent No. 5,835,896 to Fisher.

In the Amendment filed on January 29, 2003, the claims were amended to clarify the method of aggregating information from multiple enterprises. Also, in this Amendment, the differences between the claimed invention and Conklin were explained in the Remarks section. For example, claim 1 was revised to state that each enterprise maintained a separate exchange, each enterprise had an enterprise database for storing information about items available, and each enterprise enabled shoppers to interact directly with each separate exchange to obtain the information about the items. For example, one of these enterprises could be eBay having an exchange through which shoppers interact to obtain information available for sale through bidding. The claimed method can aggregate information from eBay as well as from other enterprises having separate exchanges and provide that information to shoppers. Claim 1 further specifies a step of automatically collecting and analyzing the information from the enterprise databases, storing the information in a host database, and "providing a host graphical user interface through which the shoppers can view, over the network, the information stored in the host database." The claimed invention therefore relates to a method by which shoppers can view information on items that are available through multiple enterprises through a single host graphical user interface.

The claimed method offers many advantages over conventional searching techniques. Previously, a shopper would need to access, track, and monitor items available at each of the plurality of exchanges. For instance, if a shopper was interested in a particular item, he or

she would go to eBay, perhaps on a daily basis, to see if that item is available. The shopper would also visit other exchanges to see if that item is available and to monitor and otherwise to track the item. The claimed method is much less labor intensive in that the shopper can go to a single site, such as Bidder's Edge, and see information that has been aggregated across the multiple exchanges.

In contrast, Conklin refers to a single enterprise offering items available for sale. Conklin provides no description of aggregating information from multiple enterprises each having its own database and then providing that aggregated data to the shopper through a host graphical user interface. A shopper using the systems described in Conklin would need to visit each individual store in order to access, view, monitor, and otherwise track items of interest. If the Examiner intends to repeat this rejection, the Examiner is respectfully requested to explain how Conklin aggregates data from multiple enterprise databases, how Conklin places that data within a host database, and how Conklin provides a host graphical user interface through which the shoppers can view the information.

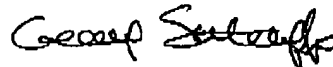
As demonstrated above, Conklin provides no description or suggestion for the claimed method of aggregating information from multiple enterprises. The further combination of Livingston and/or Fisher would also fail to suggest the claimed invention. As with Conklin, Fisher relates to a single enterprise and does not suggest any type of method or system for aggregating information from multiple auction sites. Livingston describes a way in which information can be personalized for a user but does not provide any suggestion for collecting, analyzing, and rendering of information from multiple enterprises through a single user interface. Consequently, the combination of Fisher and Livingston with Conklin would fail to suggest the subject matter of the claimed invention.

The Examiner is respectfully requested to grant an interview so that we can discuss the salient features of the claimed invention and how those features differ from the systems described in Conklin, Livingston, and Fisher. The undersigned attorney will contact the Examiner within the next few weeks to schedule the interview.

For at least the above reasons, claims 1 to 46 are in condition for allowance. If the Examiner intends to issue anything other than a Notice of Allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the below-listed number in order to resolve any remaining issues.

Please charge any additional fees or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,



Geoff L. Sutcliffe
Reg. No. 36,348

Date: July 22, 2003
OF COUNSEL:

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(L9090/269360)